

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

0.996 ACRE OF LAND, MORE OR LESS,
SITUATE IN STARR COUNTY, STATE OF
TEXAS, ELIGIO ALVAREZ, JR., *et al.*,
Defendants.

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CIVIL ACTION NO. 7:20-cv-00381

**UNITED STATES OF AMERICA’S ADVISORY TO THE COURT ON DISTRIBUTION
OF JUST COMPENSATION AND CASE RESOLUTION**

1. Per the Court’s request in its Findings on Issue of Just Compensation¹, Plaintiff, United States of America (“United States”), through the undersigned Assistant United States Attorney, files this Advisory to advise the Court of how the United States intends to proceed with distribution of proceeds for the taking of Tract RGV-RGC-5041 and attaches hereto a proposed Final Judgment for the Court’s consideration in resolving this case.

2. The United States advises the Court that it enter the proposed Final Judgment attached hereto, which enters judgment against the United States for the amount on deposit of one thousand, eight hundred, fifty and 00/100 dollars (\$1,850.00), as determined by the Court as being just compensation for the taking of Tract RGV-RGC-5041 in its Findings on Issue of Just Compensation.²

3. The Court previously determined in its Order Determining Title as to Tract RGV-RGC-5041 that on the December 7, 2020 date of taking, the following four (4) landowner

¹ See Dkt. No. 25 at 3.

² See *id.*

defendants are entitled to just compensation for the taking of Tract RGV-RGC-5041 according to the following ownership interests³:

<u>Parent Parcel 21-A: 0.386 of the 0.996 acre taken (Tract RGV-RGC-5041)</u>	
Unknown Heirs and/or Devisees Of Maria Louisa Arredondo	1/4 Percent Ownership
Eligio Alvarez, Jr.	3/8 Percent Ownership
Felipe Alvarez, Jr.	3/8 Percent Ownership

<u>Parent Parcel 31-A: 0.610 of the 0.996 acre taken (Tract RGV-RGC-5041)</u>	
Elizabeth Crymes Manning, Trustee for William Robert Manning, Jr. and Mary Virginia Manning	1/2 Percent Ownership
Eligio Alvarez, Jr.	1/4 Percent Ownership
Felipe Alvarez, Jr.	1/4 Percent Ownership

The proposed Final Judgment orders that after disbursement of funds for delinquent property taxes and assessments owed on the date of taking (**\$38.24**) to Defendant Ameida Salinas Tax Assessor-Collector⁴, the remaining funds of **\$1,811.76** be divided amongst the 4 landowner defendants according to the ownership interest determined by the Court in its Order Determining Title as to Tract RGV-RGC-5041.⁵

³See Dkt. No. 23 at 2.

⁴ See Dkt. No. 20-13 at 1 (Starr County Tax Account Statement of Delinquent Taxes owed on Parent Parcels of Tract RGV-RGC-5041).

⁵ See Dkt. No. 23 at 2.

4. All 4 landowner defendants have been served by either personal service or publication⁶, but have not entered an appearance in this case and have not contested the issues of title or just compensation. Accordingly, the proposed Final Judgment orders that the remainder of funds on deposit in the registry of the Court, as to each landowner defendant, shall remain on deposit in the registry accruing interest as provided in 40 U.S.C. § 3116, but shall be paid into the Treasury of the United States without further order of the Court if each respective amount is not withdrawn five (5) years from the Court's entry of Final Judgment⁷; the proposed Final Judgment further provides that any person or entity claiming entitlement to such funds shall first move the Court for an order of disbursement before such funds may be distributed.

5. The proposed Final Judgment further grants the United States possession of the estate taken in Tract RGV-RGC-5041 and closes the case.

Respectfully submitted,

JENNIFER B. LOWERY

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Southern District of Texas

By: s/Baltazar Salazar

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⁶ Dkt. No. 13 (Return of Service- Felipe Adan Alvarez); Dkt. No. 19 (Certificate of Publication- Eligio Alvarez, Jr.); Dkt. No. 15 (Declaration of Not Found- Eligio Alvarez, Jr.); Dkt. No. 14 (Certificate of Publication- Unknown Heirs and/or Devisees of Maria Louisa Arredondo) and (Certificate of Publication- Elizabeth Crymes Manning, Trustee for Williams Robert Manning, Jr. and Mary Virginia Manning).

⁷ See 28 U.S.C. § 2042.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on September 16-17, a copy of the foregoing was served on all parties via email and FedEx mail to known defendants with known addresses.

s/Baltazar Salazar
Baltazar Salazar
Assistant United States Attorney